

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1463 OF 2004

Mr. Narendra G. Gandhi & Ors. ..Petitioners.
Vs.
Municipal Corporation of Greater Mumbai & Ors. ..
Respondents.

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Ms. Sumedha Rao for the petitioners.
Mr. K.K. Singhvi, senior advocate with Ms. A.K. Savla for
Respondent Nos.1 and 2.
Mr. Joaquim Reis with Paresh Shah i/b Shah & Sanghvi for
Respondent Nos.3 to 5.

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**CORAM : DALVEER BHANDARI, C.J.&
DR.D.Y.CHANDRACHUD, J,**

14th September, 2004.

P.C. :

1. We have heard the learned counsel for parties. It may be pertinent to note that Paras Nagar Condomonium (Building Nos.1, 2, 3 and 4) have filed a civil suit for identical reliefs which is pending in this Court. A learned Single Judge of this Court on 24th August, 2004 passed the following order :

“1. Having heard rival submissions, it is not in dispute that construction of Building No.5 has already been completed and third party interest has been created by registered documents in respect of flats and/or apartments located therein, details of which are to be found at pages 173 and 174 of the appeal paper book.

2. So far as Building Nos. 6 and 7 are concerned, it is not in dispute that construction thereof is yet to start.

3. In view of the admission of the appeal, considering prima facie case made out by the appellant, it is necessary to direct the parties to maintain status-quo during the pendency of the appeal.

4. It is made clear that the pendency of the appeal shall not come in the way of the trial Court to proceed with the suit and decide it on its own merits uninfluenced by the orders in appeal.”

2. The prayers of the writ petition and the prayers of the suit are almost identical. All the reliefs which the petitioners have claimed in the writ petition are fully covered by the prayers in the suit which is pending in this Court. The petitioners are also protected by the interim order granted by Hon'ble Mr. Justice Daga on 24th August, 2004.

3. In this view of the matter, it is not necessary to pass any further order in the writ petition.

4. The writ petition is accordingly disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.